

REMARKS

Favorable reconsideration and withdrawal of the rejections in view of the foregoing amendments and the following remarks are respectfully requested.

Claim Status

Claims 4, 5, 7 through 9, 18, and 19 are now pending in the application, with Claim 4 being independent. Claim 4 is amended herein. Claims 1 and 2 have been canceled herein. Claims 18 and 19 are newly added. It is respectfully submitted that support for these amendments and newly added claims can be found in the originally filed specification and that no new matter has been presented.

Rejections of Claims

Claims 1, 2, and 7 through 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over previously-cited and -applied Japanese Patent Document No. 9,222,839 (JP '839) in view of newly-cited U.S. Patent No. 6,219,506 (Morinaga, et al.).

Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP '839 in view of Morinaga, et al. and further in view of U.S. Patent No. 4,228,633 (Corbic).

The rationale underlying both rejections is succinctly set forth in the Official Action.

Response to Rejections

While not conceding the propriety of the rejections, Claims 1 and 2 have been cancelled, and Claim 4 has been amended to even more succinctly define the invention and to place the claims in better form. Applicants submit that as amended, Claim 4 is allowable for the following reasons.

According to the invention defined in amended Claim 4, when a cover member is ultrasonic-welded to a toner container, which contains toner, welding strength can be increased without producing large toner agglomerations.

Amended Claim 4 includes a first feature of a sealing step of gradually welding the cover member and the toner container with each other by an ultrasonic vibration welding member, which is in contact with a part of a portion to be welded while changing the contact portion around the opening. Because of this claimed feature, the toner present at the welding portion is removed from the welding portion. Accordingly, the toner is not melted, and the production of large toner agglomerations is avoided.

Amended Claim 4 also includes a second feature of a pressing step of pressing the cover member to the toner container by a pressing member after the cover member is set in the toner container in the closing step. Because of this feature, the relative position between the cover member of the toner container is stabilized. As a result, the welding strength is stabilized. In addition, the vibration to remove the toner particles can also be stabilized.

Applicants submit the JP '839 does not disclose or suggest the above-noted first feature of the claimed invention. Moreover, JP '839 does not even recognize the problem underlying the claimed invention, that is, prevention of large toner agglomerations during welding of a toner container. Applicants also submit that JP '839 also does not disclose or suggest the above-discussed second feature of the present invention.

The Examiner recognizes that JP '839 does not disclose that the sealing step is performed by ultrasonic vibration welding . Accordingly, the Examiner relies on Morinaga

for allegedly disclosing the claimed feature. Specifically, the Examiner asserts Morinaga discloses a similar method using ultrasonic vibration, (See column 10, lines 55-59, via “ultrasonic vibration.”)

The Examiner also recognizes that neither JP ‘839 nor Morinaga disclose that a pressing step of wherein in the sealing step, a pressing step of pressing the cover member into the toner container at upstream and downstream portions, with respect to the movement direction of the welding member where the cover member is in contact with the part of the portion to be welded. Accordingly, the Examiner relies on Corbic for allegedly disclosing this claimed feature.

Applicants respectfully submit that Corbic discloses, in Figure 5, that a cover member 10 is confined between electrode 13 and a support ring 12, and the entire area is welded at once. Corbic, however, fails to remedy the deficiencies of JP ‘839 noted above with respect to amended Claim 4.

It is again respectfully submitted that the combination rejection is not well founded. The Examiner has provided a *rationalization* for combining the teachings of the cited art based on the benefits of doing so, namely, protecting an edge of a filling part from damage or scraping and ensuring that a cap is in the right position in respect to the container before a sealing step. While the Examiner may find that the cited art when taken in combination may produce the Examiner’s intended results, the prior art *per se* do not provide any motivation for combining the teachings of one reference with the teachings of another reference. A combination rejection is properly only when there is some suggestion or motivation in the cited art *per se* to cause one having ordinary skill in the art to combine

the teachings of the cited art. It is respectfully submitted that there is nothing in the cited art, which supports the position that it can or should be combined in the manner suggested.

It is respectfully submitted that independent amended Claim 4 is allowable over the cited art, whether taken individually or in combination.

Dependent Claims

Claims 5, 7 through 9, 18 and 19 are either directly or indirectly dependent on Claim 4. It is respectfully submitted that the dependent claims are allowable by virtue of being dependent on an allowable independent claim and in their own right for further defining the invention.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that all claims are allowable and that this application is in condition for allowance. Therefore, favorable reconsideration and early passage to issue of the present application are earnestly solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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